



**AN ORDINANCE BY COUNCILMEMBER DEBI STARNES
AS SUBSTITUTED BY PUBLIC SAFETY COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 10,
ARTICLE II, DIVISION 2, SECTION 10-48,
CHAPTER 10, ARTICLE II, DIVISION 2
SECTION 10-60, CHAPTER 10, ARTICLE II,
DIVISION 2, SECTIONS 10-106 AND 10-109,
CHAPTER 10, ARTICLE II, DIVISION 5,
SECTION 10-207, AND OF THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA
SO AS TO PROVIDE FOR REGULATION OF
LESSEES OF PREMISES LICENSED FOR
THE SALE OF ALCOHOLIC BEVERAGES;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages; and

WHEREAS, the current code provisions do not adequately regulate the unique circumstances posed by the sale of alcoholic beverages within leased locations within a licensed premises; and

WHEREAS, the City Council now wishes to make City of Atlanta Code of Ordinances Sections 10-48, 10-60, 10-106 10-109 and 10-207 applicable to lessees of premises licensed for the sale of alcoholic beverages, as well as their employees, in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors.

**THE COUNCIL OF THE CITY OF ATLANTA HEREBY
ORDAINS AS FOLLOWS:**

Section One: That Chapter 10, Article II, Division 2, Section 10-48 be amended by creating a new subsection (f) to read follows:

(f) A person desiring to obtain a license to sell alcoholic beverages in a leased location within a licensed premises, shall, in addition to the application required hereinabove, provide additional sworn application forms and the required application fees for each proposed leased location. The prospective lessees shall in all other respects comply with this code section. In the event a licensee shall seek to change, substitute or add a leased location within the licensed premises, then before alcohol sales can continue or commence, the individuals in control of the proposed leased locations must comply with the provisions of this code section. No applicant or licensee may allow sales of alcoholic beverages at a leased location within a licensed premises without compliance with this section and all other applicable provisions of this Chapter.

Section Two: That Chapter 10, Article II, Division 2, Section 10-60 of the Code of Ordinances be amended by deleting subsection (a)(5) in its entirety and inserting in lieu thereof the following:

(a)(5)(a) Retail of beer or wine off premises, initial license.....\$2,250

(a)(5)(b) Leased locations as additional facilities, each license.....\$2,250.

Additional licenses shall be required for each leased location located within a licensed premises, such as the Sweet Auburn Curb Market located at 209 Edgewood Avenue. In no event, however, shall there be no more than four (4) additional facilities licenses at any location licensed for off premises consumption. Provided further, however, that the entire licensed location shall derive less than five



percent of its gross receipts from the sale of alcoholic beverages

Section Three: That Chapter 10, Article II, Division 2, Section 10-106 of the Code of Ordinances be amended by deleting the existing language its entirety and inserting in lieu thereof the following:

All licensees under this division shall be required to renew their licenses annually on forms prescribed by the license review board on or before January 1 of the calendar year in which the licensee proposes to operate. All lessees located within any licensed premises shall be subject to this requirement, by submitting a renewal application contemporaneously with the primary renewal submitted by the licensee. The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that the location derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages, shall result in the denial of a renewed license. Any person granted a license as a private club under this division of the Code of Ordinances during the calendar year 2001 shall be issued a license effective only for the period of January 1, 2001 through March 31, 2001. All annual fees provided for private clubs shall be prorated accordingly.

Section Four: That Chapter 10, Article II, Division 2, Section 10-109 of the Code of Ordinances be amended by creating a new subsection (j) which shall read as follows:

(j) The provisions of 10-109 shall apply in all respects to anyone seeking to obtain a license or to the holder of a license to sell alcoholic beverages in a leased location within a licensed premises.



Section Five: That Chapter 10, Article II, Division 5, Section 10-207 of the code of ordinances, captioned "*Employment of persons with prior convictions*," be amended by designating the existing language as subsection (a) and creating a new subsection (b) to read as follows:

(b) No licensee under this chapter shall lease any premises for the sale of alcoholic beverages or the operation of a bottle house any person in any capacity except performers, entertainers and musicians, who have been convicted in this or any other country within three years immediately prior to the application for employment of an offense constituting solicitation for prostitution, keeping a disorderly place, unlawful dealing in narcotics, sex offense or other charge relating to the manufacture or sale of alcoholic beverages or any other crime involving moral turpitude. The licensee or lessee shall employ no such person if this employment would violate the terms of any probation or parole of the person.

Section Six: Nothing in this ordinance shall be construed as altering or otherwise affecting the other requirements of this Chapter.

Revised 11/26/2002 3:56 PM RRN Law

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

DEC 02, 2002
DEC 10, 2002

CONSENT I

ITEMS ADOPTED ON CONSENT

AGENDA

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1925 | 31. 02-O-1920 | 62. 02-R-2104 |
| 2. 02-O-1926 | 32. 02-O-1921 | 63. 02-R-2112 |
| 3. 02-O-1927 | 33. 02-O-2001 | 64. 02-R-2113 |
| 4. 02-O-1928 | 34. 02-O-2097 | 65. 02-R-2115 |
| 5. 02-O-1929 | 35. 02-O-2098 | 66. 02-R-2116 |
| 6. 02-O-1969 | 36. 02-O-2099 | 67. 02-R-2117 |
| 7. 02-O-1976 | 37. 02-O-2100 | 68. 02-R-2125 |
| 8. 02-O-2095 | 38. 02-R-1593 | 69. 02-R-2126 |
| 9. 02-O-1998 | 39. 02-R-1848 | 70. 02-R-2016 |
| 10. 02-O-1892 | 40. 02-R-1849 | 71. 02-R-2017 |
| 11. 02-O-1903 | 41. 02-R-1850 | 72. 02-R-2018 |
| 12. 02-O-1907 | 42. 02-R-1985 | 73. 02-R-2019 |
| 13. 02-O-1139 | 43. 02-R-2003 | 74. 02-R-2022 |
| 14. 02-O-1292 | 44. 02-R-2004 | 75. 02-R-2060 |
| 15. 02-O-1913 | 45. 02-R-2009 | 76. 02-R-2061 |
| 16. 02-O-1930 | 46. 02-R-2010 | 77. 02-R-2062 |
| 17. 02-O-2103 | 47. 02-R-2011 | 78. 02-R-2069 |
| 18. 02-O-1922 | 48. 02-R-2012 | 79. 02-R-2072 |
| 19. 02-O-1923 | 49. 02-R-2013 | 80. 02-R-2074 |
| 20. 02-O-2091 | 50. 02-R-2014 | 81. 02-R-2122 |
| 21. 02-O-2092 | 51. 02-R-2057 | 82. 02-R-2023 |
| 22. 02-O-2105 | 52. 02-R-2058 | 83. 02-R-2064 |
| 23. 02-O-1396 | 53. 02-R-2073 | 84. 02-R-2065 |
| 24. 02-O-1792 | 54. 02-R-2015 | 85. 02-R-2066 |
| 25. 02-O-1914 | 55. 02-R-2059 | 86. 02-R-2070 |
| 26. 02-O-1915 | 56. 02-R-1216 | 87. 02-R-2028 |
| 27. 02-O-1916 | 57. 02-R-2119 | 88. 02-R-2029 |
| 28. 02-O-1917 | 58. 02-R-2123 | 89. 02-R-2030 |
| 29. 02-O-1918 | 59. 02-R-2055 | 90. 02-R-2031 |
| 30. 02-O-1919 | 60. 02-R-2063 | 91. 02-R-2032 |

92. 02-R-2033

93. 02-R-2034

94. 02-R-2035

95. 02-R-2036

96. 02-R-2037

ITEMS ADVERSED ON CONSENT

AGENDA

- | | |
|----------------|----------------|
| 97. 02-R-2027 | 107. 02-R-2047 |
| 98. 02-R-2038 | 108. 02-R-2048 |
| 99. 02-R-2039 | 109. 02-R-2049 |
| 100. 02-R-2040 | 110. 02-R-2050 |
| 101. 02-R-2041 | 111. 02-R-2051 |
| 102. 02-R-2042 | 112. 02-R-2052 |
| 103. 02-R-2043 | 113. 02-R-2053 |
| 104. 02-R-2044 | 114. 02-R-2054 |
| 105. 02-R-2045 | |
| 106. 02-R-2046 | |

Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)

Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118

02-0 -1292

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AN ORDINANCE

BY COUNCILMEMBER DEB STARNES

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-207, SO AS TO MAKE SECTION 10-207 APPLICABLE TO LESSEES OF PREMISES LICENSED FOR THE SALE OF ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

ADOPTED BY

DEC 02 2002

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 7/15/02

Referred To: F.S. & Legal Admin.

Date Referred 10/21/02

Public Safety & Legal Administration

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSL Committee

7/13/02 Date

Chair

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

PSL Committee

10/21/02 Date

Chair

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

PSL Committee

10/15/02 Date

Chair

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

PSL Committee

11/24/02 Date

Chair

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

CERTIFIED

DEC 02 2002

CERTIFIED

DEC 03 2002

Municipal Clerk

MAYOR'S ACTION

DEC 10 2002

MAYOR

- FINAL COUNCIL ACTION
- ☒ 2nd
 - ☐ 1st & 2nd
 - ☐ 3rd
 - ☐ Consent
 - ☐ V Vote
 - ☒ RC Vote